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OGC Has Reviewed

October 26, 1955

STATINTL

[REDACTED]
Assistant General Counsel
Central Intelligence Agency
2430 E Street, N.W.
Washington 6, D. C.

Re: The Red Interpreter

Dear Bob:

Please refer to my letter dated September 17, 1955. Subsequent to this letter you telephoned and asked me to submit to you authorities to support the contention that the U. S. Government was not legally entitled to a royalty-free license on the publication and use of the Red Interpreter.

There are many cases to support the contentions contained in my letter of September 17th. Further thereto, the cases I am about to cite also support that an employee of the United States who prepares a literary guide to assist him in instructing a course retains the copyright, rights and privileges.

I refer you to the following:

Hill v. United States, 160 U.S. 426 (1895) 40 L. ed. 480
Houghton v. United States, 23 Fed 2nd 386 (1928) 177 L. ed. 1114
United States v. Dubler Condenser Corporation, 289 U.S. 178 (1933)
Upstar Company v. National Broadcasting Co., 8 Fed Sup. 358 (1954)
Merrill v. Grieves et al., 57 Wash. Law Reporter 290

In order to assure my position, this matter was discreetly discussed with the Copyright Branch of the Judge Advocate General of the United States Army and United States Air Force. Both authorities agreed that the United States Government may only have rights if the employee is hired to do a specific job and produces a product as a result of that hiring and assignment.

Please advise me if the foregoing satisfies your requirements to prove that the U. S. Government is not entitled to a
STATINTL royalty-free license, such as was inadvertently granted by [REDACTED]

Sincerely,

Sam Borzilleri

S. C. Borzilleri